



United States Environmental Protection Agency

Instructions for Completing EPA Form 3540-16 (revised 9/00) Pesticide Report for Pesticide-Producing and Device-Producing Establishments for Reporting Year 2000

Electronic copies of this Form can be downloaded from <http://www.epa.gov/region4/air/pesticides/pestreport.htm>

A REPORT MUST BE SUBMITTED ON OR BEFORE MARCH 1, 2001, EVEN IF THERE HAS BEEN NO PRODUCTION.

Section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (92 Stat. 829, 7 U.S.C. 136e), requires all registered pesticide-producing establishments to submit an initial report to the U S Environmental Protection Agency (EPA) 30 days after receipt of a notification of registration and an annual report thereafter.

FAILURE TO FILE the annual or initial pesticide production report is an unlawful act and may result in the termination of the establishment's registration, civil penalties up to a maximum of \$5,500 per required filing, and/or criminal penalties. It is unlawful to knowingly falsify all or part of any pesticide production information reported on EPA Form 3540-16. (Section 12(a)(2)(M) of FIFRA, [136j]).

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If you have questions regarding Section 7 requirements, contact your Regional office. See Page 7. (Foreign producers or their agents should contact the Washington, D.C. office. See Page 7.)

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CHANGES TO EPA FORM 3540-16 THAT ARE NEW THIS YEAR

- L** The address block of EPA Form 3540-16 has been revised so that the label provided can be placed on the right side of the Form without covering other requested information. Previous editions of the Form (dated prior to 9-00) are obsolete and should not be used.
- L** This year we have provided a specific site (Item 16.) in which to write "No Production" for those establishments which had no (zero) production/distribution.

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WHAT TO REPORT

Each producer operating an establishment must submit the required report listing the types and amounts of pesticides, active ingredients, or pesticide devices produced/repackaged/relabelled last year (2000); the distribution/sales of pesticides, active ingredients, or pesticide devices last year (2000), regardless of when the product was produced; and an **estimate** of the amount of pesticide, active ingredient, or pesticide devices you expect to produce/repackage/relabel in 2001.

This information is used by the EPA's Office of Enforcement and Compliance Assurance and the Office of Prevention, Pesticides, and Toxic Substances to support risk-benefit analysis, inspection, compliance, and enforcement activities.

THE DEFINITION OF "PRODUCE"

% As defined by FIFRA, "produce" means "to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide."

% "Produce" is further defined at 40 CFR 167.3 to mean, "manufacture, prepare, propagate, compound or process any pesticide, including any pesticide produced pursuant to Section 5 of the Act, any active ingredient or device, or to package, repack, label, relabel, or otherwise change the container of any pesticide or device."

Note: EPA Form 3540-16 has space for only three products. If you produce more than three products, continuation sheets are required. Place the **enclosed, self-adhesive label** on the **Form**, check the **CONTINUED ON ATTACHED SHEET**, and reproduce the Form.

Complete "THIS IS PAGE ____ OF ____" on all pages.

Please type or print this report.

Round off production/sales/distribution quantities to the nearest whole number.

Items 1 - 16. ESTABLISHMENT INFORMATION

1- 4. Enter the establishment's **MAILING** address information.

5- 6. Clearly PRINT the Establishment Officer's name and title.

7. Enter the DATE the report is signed.

8- 13. Place the **enclosed SITE address label** for the Establishment over boxes 8 to 13.
Please correct any errors on the label.

14. **F** Enter the phone number.

15. **N** **SIGN** the report Form.

16. **New Item This Year:** If there was **NO production or distribution of active ingredients, pesticides, or pesticide devices at the establishment in 2000**, but the company wants to keep the establishment registration active, write "No Production" in Item 16. **Your annual report is complete. Mail to the appropriate address on Page 7.**

If there was either production and/or distribution of products at the establishment in 2000, please skip Item 16 and continue to Item 17.

General Instructions for Product Information

- % **If the establishment has closed during the year**, or if company has decided that **no active ingredient, pesticide, or pesticide device “production”/distribution will occur in the future at that site**, you may request inactivation of the establishment at the end of the report (after entering any production/distribution information for 2000) by writing “Inactivate establishment.”
- % For each pesticide product (**including unregistered pesticides produced for export only**), active ingredient, or pesticide device that was produced/packaged/repackaged/labeled/re-labeled or otherwise changed, Items 17-28 **must** be completed. Include all EPA and State-registered pesticides (Special Local Needs), technical materials or active ingredients, pesticides produced while registration is pending, pesticides produced under Experimental Use Permits, and pesticides produced for export only.
- % If you produced products registered by other companies (contract manufacturing) at the establishment, you must include those products in your producing establishment's report.
- % If you produce a pesticide under **MULTIPLE DISTRIBUTOR LABELS** [supplemental distributors (40 CFR 152.132) with the same basic registration number], **please do one of the following:**

A. List each product sequentially but separately on the report. For example, if you produce product 79001-3 for three distributor labels, list the product number (e.g., 79001-3-76157, 79001-3-77938, and 79001-3-78325) separately, reporting quantities produced for each label. Please do not intersperse these products throughout the document.

OR

B. Report the product under the basic registration, and provide the total quantities for all distributor labels in one set of Items 17-28. In block 19, write the name of the basic product and the words “and supplementals.” On a separate paper, provide a list of the supplemental distributor company numbers and brand names for which you produced or distributed last year (2000) and attach it to your report. (Note: provide registration numbers of **ONLY** those supplementals which you produced/distributed last year.)

- % If you produce a pesticide under **ALTERNATE BRAND NAMES** for the same registration number, Eg. 78376-1: XYZ's Ken-Bor for Pet Kennels, XYZ's Hospital Insect Control, and XYZ's HomeBor for Roaches, please report as follows:
 - Item 17: 78376-1
 - Item 18: XYZ's Ken-Bor for Pet Kennels “& alternate brand names.”
 - Items 25-28: Add the production/distribution amounts for **all** the alternate brand name products and enter the total on these lines.

The Following Types of Transactions Should NOT Be Reported:

- % Receipt of a product into your Establishment for transfer/sale when **no changes are made to the container, formulation, or label**. (This type of transaction does not meet the definition of “Production.”)
- % Distribution of a **product that is shipped from your supplier directly to your customer**. (The establishment where the product was produced is responsible for reporting that production.)
- % Products that you produced/repackaged/re-labeled sold/distributed in previous years but **did not produce/repackage/relabel/sell/distribute in 2000**. (That is, if Lines 25, 26, 27, & 28 are **all** zero, do **not** include the product on the report.)

ITEMS 17-18. Product Code and EPA Product Registration Number.

Enter “1” in Item 17 if the product is registered with the EPA. Enter the EPA Product Registration Number (EPA Reg. No.) exactly as it appears on the product label in Item 18. (See above instructions for products produced for multiple distributor labels).

Enter “2” in Item 17 if the product registration is pending. Enter the EPA File Symbol in Item 18.

Enter “3” in Item 17 if the product has an Experimental Use Permit. Enter the EPA Experimental Use Permit number exactly as it appears on the product label in Item 18.

Enter “4” in Item 17 if the product is a pesticide device; leave Item 18 blank.

Enter “4” in Item 17 if the product is a chemical and Product Codes 1, 2, 3, or 5 do not apply; leave Item 18 blank. For these products, attach a list of the chemical names of all ingredients in the product, both active and inert; their common names; their CAS Registry numbers (if available), and the percentage, by weight, of each ingredient (must total 100%). (To save paper, you may put formulations for multiple products on each sheet.)

Enter “5” in Item 17 if the product is a Special Local Need product (SLN), also known as a 24(c). Enter the SLN registration number in Item 18. The format is: SLN - AA - xxxxxx, where AA is the state in which the product is registered and xxxxxx is the product number (for example, SLN-CA-xxxxxx or SLN-IL-xxxxxx.)

ITEM 19. Enter the **Product Name** exactly as it appears on the product label. If the product was sold under **alternate brand names**, list those in Item 19 as follows: Brand Name 1 “& alternate brand names.”

ITEM 20. Product Classification. Enter the **Number** from the list below that best describes the product.

05 Algicide	02 Fungicide	06 Nematocide
11 Animal Repellent	04 Herbicide	07 Plant Regulator
10 Antifouling Paint	44 Herbicide-Fungicide	03 Rodenticide
08 Defoliant, Desiccant	01 Insecticide	14 Water Purifier-Point of Use
13 Device	21 Insecticide-Fungicide	15 Water Purifier-Small System
09 Disinfectant, Germicide, Sanitizer	16 Multi-Use Active Ingredient	12 Other Pesticides (includes insect repellents such as DEET)

ITEM 21. Product Type. Enter the **Number** that describes the type of product.

Enter “1” if the product was formulated at the establishment into a TECHNICAL MATERIAL or ACTIVE INGREDIENT for **Manufacturing Use Only**. (This product is not suitable, nor is it labeled suitably, for end-use applications).

Enter “2” if the product was formulated at the establishment into an END-USE BLEND, FORMULATION, or CONCENTRATE. (This product is suitable and is labeled for end-use applications). Include those products your establishment formulates, reformulates, or repackages from your own establishment’s manufacturing-use products or end-use products. Product Type 2 describes blending, dilution, or change in the formulation of the product.

Enter “3” if the product was REPACKAGED or RELABELED. (This activity includes transferring a product from its container and repackaging and relabeling the product into another. It also includes relabeling or making changes to the label when the product remains in its original container. This activity **does not** include any blending, dilution or change in the formulation of the product.)

Enter “4” if the product produced or repackaged was a pesticide DEVICE.

ITEM 22. Market Sold To. Enter the Number that describes the market to which the pesticide was sold/distributed.

Domestic Establishments:

Enter “1” if all of the product was marketed in the United States.

Enter “2” if the product was **both** marketed in the United States and exported out of the United States.

Enter “3” if all of the product was exported out of the United States.

Foreign Establishments:

Enter “1” for products marketed in the **United States**.

Foreign establishments do NOT report products that were sold in countries other than the United States.

ITEM 23. Use Classification. Enter the **Number** that describes the use classification of the product.

Enter “1” if the product’s label states RESTRICTED USE ONLY (to be applied by/under direct supervision of a certified applicator only).

Enter “2” for all other pesticide products and for all pesticide devices.

ITEM 24. Unit of Measure. Enter the **Unit** that best describes how the product was packaged.

G = Gallons [liquid chemical product]

P = Pounds [dry or solid chemical product]

L = Liters [liquid chemical product]

K = Kilograms [dry or solid chemical product]

T = Tons [short ton = 2000 lbs. or 907.2 Kilograms] [dry or solid chemical product]

U = Units [pesticide devices and pesticides that the label does not declare as Gallons, Pounds, Liters, Kilograms, or Tons]

ITEM 25. Amount (quantity) Produced/Repackaged/Relabeled Last Year (2000).

Enter the amount of the pesticide product or number of devices produced/repackaged/relabeled at the establishment during calendar year 2000.

ITEM 26. Amount (quantity) Distributed/Sold Last Year (2000) in the United States.

Foreign producers should enter only the amount of product (number of devices) sold/distributed in the US.

Enter the amount of the active ingredient, pesticide product, or number of pesticide devices produced/repackaged/relabeled by the establishment that was actually distributed/sold in the United States in 2000, **regardless of when** the product was produced/repackaged/relabeled.

ITEM 27. Amount (quantity) Distributed/Sold Last Year (2000) to Foreign Markets.

Foreign producers should leave Item 27 blank.

Enter the amount of the active ingredient, pesticide product or number of pesticide devices, produced/repackaged/relabeled by the establishment that was actually **exported** from the United States in 2000, **regardless of when** the product was produced/repackaged/relabeled.

ITEM 28. Amount (Anticipated) To Be Produced/Repackaged/Relabeled This Year (2001).

Enter an **estimate** of the amount of the active ingredient, pesticide product, or number of pesticide devices that you expect to produce/repackage/relabel at the establishment during 2001.

Avoid these Common Errors

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| P No signature. | P Official name and title missing or not legibly printed. |
| P No date. | P Address changes not made on the label. |
| P Establishment mailing address not entered. | P Reports completed in pencil rather than ink. |
| P Blank boxes G in Items 16-24. | P Report mailed after March 1 deadline. |
| P Wrong Registration number entered for a product.
(Check your product labels.) | P Definition of "produce not understood (see page 2) |

Incomplete reports may be returned to the establishment for completion.

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Name and Address Changes

All companies or establishments must provide name and address changes to the EPA within **30 days after such change occurs**. Domestic companies or establishments should send such information to the Regional office where the company headquarters is located. Foreign companies or establishments should send such information to the EPA Washington, D.C. office. **SEE PAGE 7 FOR ALL U.S. EPA MAILING ADDRESSES.**

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Confidentiality

If you wish to assert a claim of confidentiality for certain information you have provided on this Form, you must identify by the box number(s) the information that you are asserting a claim of confidentiality and designate such information as confidential. Information so designated will be disclosed by the EPA only to the extent allowed by, and by means of, the procedures set forth in, 40 CFR Part 2. If you do not claim the information as confidential upon submission, it may be made available to the public without further notice to you.

Under FIFRA Section 7 (d) [136e], information reported in Items 25, 26, 27, and 28 of EPA Form 3540-16 will be treated as business confidential, subject to the provisions of FIFRA Section 10 [136h]. No claim is needed to keep this information confidential.

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Producers of Multi-use Chemicals

Producers of chemicals that have both pesticidal and non-pesticidal uses are required to register their establishments and report their production on an annual basis under Section 7 of FIFRA, if the producer has actual or constructive knowledge that a chemical or substance they produce is used or intended for use as an active ingredient in the manufacture of a pesticide. These producers are required to report only the amount of chemical or substance manufactured and distributed or sold for pesticide purposes.

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Public Reporting Burden

For this information, the time required is estimated to average one hour 26 minutes per response, including reviewing instructions, searching data sources, gathering and maintaining data needed, and completing review and collection of information. Send comments regarding this burden estimate or other aspects of this information collection, including suggestions for reducing this burden, to: Director, OP/ORMI Regulatory Information Division (2137), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460, Attention: Desk Officer for EPA, and to the Paperwork Reduction Project, Office of Information and Regulatory Management Affairs, Office of Management and Budget, 725 17th Street, NW.

SUBMIT REPORTS for DOMESTIC ESTABLISHMENTS to YOUR REGIONAL OFFICE

EPA Regional Offices	States/Terr. Covered	EPA Regional Offices	States/Terr. Covered
U.S. EPA Region 1 Lee Weller PO Box 8636 Boston, MA 02114 Telephone 617-918-1849 [Note new mailing address]	CT, MA ME, NH RI, VT	U. S. EPA Region 6 James Redd Pesticides Section (6PD-P) 1445 Ross Avenue Dallas, TX 75202-2733 Telephone 214-665-7560	AR, LA NM, OK TX
U.S. EPA Region 2 David Salkie Pesticides Team (MS-500), Building 5 2890 Woodbridge Avenue Edison, NJ 08837-3679 Telephone 732-321-6750	NJ, NY PR, VI	U. S. EPA Region 7 Lou Banks WW/PDPEST 726 Minnesota Avenue Kansas City, KS 66101 Telephone 913-551-7463/7125	IA, KS MO, NB
U.S. EPA Region 3 Section 7 contact Pesticides Programs (3WC32) 1650 Arch Street Philadelphia, PA 19103-2062 Telephone 215-814-2103	DE, DC MD, PA VA, WV	U. S. EPA Region 8 Cornelia Maes Enforcement Division (ENF-PT) 999 18th Street, Suite 300 Denver, CO 80202-2466 Telephone 303-312-6049	CO, MT ND, SD UT, WY
U.S. EPA Region 4 Jacquelyn Wilkerson AFC Pesticides Section (APTMD) 61 Forsyth Street, SW Atlanta, GA 30303-3104 Telephone 404-562-9011	AL, FL GA, KY MS, NC SC, TN	U. S. EPA Region 9 Glenda Dugan Pesticides Section (CMD-4-3) 75 Hawthorne Street San Francisco, CA 94105 Telephone 415-744-1066	AZ, CA, HI, NV
U.S. EPA Region 5 Gail Muffitt PTES (DT-8J) 77 W. Jackson Blvd. Chicago, IL 60604-3507 Telephone 312-886-6008	IL, IN MI, MN OH, WI	U. S. EPA Region 10 Eva Chun Pesticides Unit (ECO-084) 1200 Sixth Avenue Seattle, WA 98101 Telephone 206-553-1970	AK, ID OR, WA

SUBMIT REPORTS for FOREIGN ESTABLISHMENTS to the WASHINGTON, DC OFFICE

Carol L. Buckingham (Room 6118) US Environmental Protection Agency Agriculture and Ecosystem Division (2225A) 1200 Pennsylvania Avenue, NW Washington, D.C. 20460 USA	Telephone 202-564-5008
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The Agency does not notify you when your Report is received.

In order to ensure that your firm has satisfactory evidence that the Agency received this report, you may wish to send the report to the Agency by certified or registered mail, return-receipt requested.